

Response to Final Office Action Mailed February 24, 2003

A. Claims In The Case:

Claims 366-399 and 443-480 are rejected. Claims 366-385, 387-399, 443-467 and 469-480 are pending. Claims 366, 373, 378, 388, 443-450 and 458 have been amended.

B. Objections

Claims 388 and 443-449 were objected to because of informalities. Claims 388 and 443-440 have been amended for clarification.

C. The Claims Are Not Obvious Over Buazza et al. In View Of Kachel et al.

Claims 366 and 383-393 have been provisionally rejected under the judicially created doctrine of double patenting over claims 293-310 of co-pending U.S. Patent Application No. 09/780,215 to Buazza et al. in view of U.S. Patent No. 4,895,102 to Kachel et al (hereinafter "Kachel'102").

Applicant respectfully disagrees with the double patenting rejection. To expedite prosecution, however, Applicant has submitted a terminal disclaimer for the co-pending application.

D. The Claims Are Not Obvious Over Kachel et al. In View of Blum et al. Pursuant To 35 U.S.C. § 103(a)

The Examiner has rejected claims 366-386, 388-399, 466-468 and 470-480 as being unpatentable over European Patent No. 0 318 164 to Kachel et al. (hereinafter "Kachel'164") in

view of U.S. Patent No. 4,919,850 to Blum et al. (hereinafter "Blum"). Applicant respectfully disagrees with these rejections.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 USPQ 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

Amended claims 366 and 450 are directed towards an apparatus that includes a combination of features including, but not limited to, the feature of:

a controller comprising an input device for obtaining information from a user and an output device for transmitting information to the user, wherein the controller is configured to determine the front mold identification marking, the back mold identification marking and the gasket identification marking in response to the eyeglass lens prescription being entered through the input device, and wherein the controller is configured to transmit via the output device the front mold identification marking, the back mold identification marking and the gasket identification marking, and wherein the controller is configured to control the operation of the lens curing unit during use, and wherein the controller is configured to adjust lens curing conditions based on the eyeglass prescription.

Support for the amendment is found in Applicant's original claims 386 and 468. As such, Applicant submits that no new matter has been added to the claims.

Applicant submits that Kachel' 164 does not appear to teach or suggest the combination of features of the claims. Kachel' 164 appears to teach the use of a heating cycle rather than a light curing cycle. The heating cycle of Kachel appears to be based on the resin type, rather than the eyeglass prescription. For example, Kachel' 164 states:

After all the gasket assemblies have been filled with resin, the operator places them in the oven or ovens 26 as the case may be. The ovens 26 subject the resin

to a heat cycle which will cause solidification. The typical time cycle will be overnight, however, shorter time cycles may be utilized depending on the resin formulation
(Kachel' 164, page 16, lines 52-55).

Kachel further states:

The operator can then removed (sic) the filled forms from accumulator 338, and place them within either of two ovens, which are controlled for suitable curing cycles. A typical curing cycle would be for an initial 15 hours commencing at 105 °F and ramped to increase to 145 °C.
(Kachel' 164 page 17, lines 55-57)

Applicant submits that Kachel' 164 does not appear to teach or suggest a controller configured to control the operation of the lens curing unit based on the eyeglass prescription.

Applicant further submits that Blum does not appear to teach or suggest at least the use of a controller configured to control the operation of the lens curing unit based on the eyeglass prescription. For example, Blum states:

In this process the lens material is subjected to relatively low level of intensity for a relatively larger period of times when compared to subsequent curing. After being subjected to this low intensity, during a first phase, for about fifteen (15) minutes or less; the source is changed to a second phase to increase the intensity for about forty-five (45) minutes or less to finally cure the lens. To change from Phase I to Phase II the intensity and other parameters for that matter can be controlled by the methods noted above. In addition, different types of sources can be employed with an automatic control system for sequentially operating various lamps or sources. For example, as shown in FIG. 9, two sets of lamps 102, 104 are shown with first set 102, providing lower intensity and known wave length UV light and the second set 104 providing greater intensity and the same or other wave length. Each set is controlled by controller to operate each set independently of the other for a preselected time period.

In operation, the mold is placed in light box 100 and the controller set for a preselected time for each phase. When actuated controller 110 will cause 102 lamps to be energized for about fifteen (15) minutes or less, after which Phase II lamps 104 will be energized for the remainder of the period.

In the embodiments discussed above, light sources are used which provide 300 to 450 nanometers wave length such as florescent lights, metal halide, mercury discharge etc. These may require adjustment in activator concentration, time of cure and degree of intensity among other control parameters to accommodate a particular source.
(Blum, col. 6, l. 46 through col. 7, l. 9)

Applicant submits that Blum does not appear to teach or suggest a controller configured to control the operation of the lens curing unit based on the eyeglass prescription. Applicant further submits that the combination of Kachel '164 and Blum does not appear to teach or suggest all of the features of the independent claims.

Applicant submits, for at least the reasons cited above, independent claims 366 and 450 and the claims dependent thereon (claims 367-399, 443-449 and 451-480 respectively) are patentable over Kachel'164 in view of Blum.

E. The Claims Are Not Obvious Over Kachel'164 In View of Blum In Further View of Reiterman Pursuant To 35 U.S.C. § 103(a)

The Examiner has rejected claims as being unpatentable over Kachel'164 in view of Blum in further view of U.S. Patent No. 3,555,622 to Reiterman. Applicant respectfully disagrees with these rejections.

Claim 444 states in part, "wherein the gasket comprises at least four discrete projections for spacing mold members of a mold set, and wherein the projections are arranged on an interior surface of the gasket." Applicant submits, for at least the reasons cited above, claim 366, thus dependent claim 444, is patentable over the cited art.

Claim 445 states in part, "wherein the gasket comprises at least four discrete projections for spacing mold members of a mold set, and wherein the projections are arranged on an interior surface of the gasket and wherein the at least four discrete projections are spaced at about 90

degree increments around the interior surface of the gasket.” Applicant submits, for at least the reasons cited above, claim 366, thus dependent claim 445, is patentable over the cited art.

Claim 446 states in part, “wherein the gasket is configured to engage a second mold set for forming a second lens of a second power.” Applicant submits, for at least the reasons cited above, claim 366, thus dependent claim 446, is patentable over the cited art.

F. The Claims Are Not Obvious Over Kachel’164 In View of Blum In Further View of Buazza et al. Pursuant To 35 U.S.C. § 103(a)

The Examiner has rejected claim 387 and 469 as being unpatentable over Kachel’164 in view of Blum in further view of U.S. Patent No. 6,086,799 to Buazza et al. Applicant respectfully disagrees with these rejections.

Claims 387 and 469 state in part, “wherein the apparatus further comprises a light sensor configured to measure the dose of light transmitted to the mold cavity, and wherein the light sensor is configured to communicate with the controller, and wherein the controller varies the intensity or duration of light such that a predetermined dose is transmitted to the mold cavity.” Applicant submits, for at least the reasons cited above, independent claims 366 and 450, thus dependent claims 387 and 459, respectively, are patentable over the cited art.

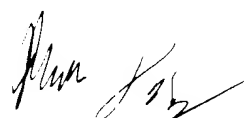
G. Summary

Based on the above, Applicant respectfully requests favorable reconsideration.

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Applicant respectfully requests a three-month extension of time. If any additional extension of time is necessary, Applicant hereby requests the appropriate extension of time. A Fee Authorization is enclosed for the extension of time fee and the terminal disclaimer fee. If any fees are inadvertently omitted or if any additional fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5040-04203/EBM

Respectfully submitted,



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